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Attorneys for Defendant

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

VICKIE BENNETT,

Plaintiff,

vs.

MARTIN O'MALLEY,
Commissioner of Social Security,

Defendant.

Civil No. 2:24-cv-02385-JDP

STIPULATION AND ~~PROPOSED~~ ORDER
FOR EXTENSION OF TIME TO FILE THE
ELECTRONIC CERTIFIED
ADMINISTRATIVE RECORD AS THE
ANSWER TO PLAINTIFF'S COMPLAINT

Pending the Court's approval, the parties stipulate through their respective counsel that Defendant, the Commissioner of Social Security (the "Commissioner"), shall have a forty-five-day extension of time to respond to Plaintiff's Complaint in this case from November 5, 2024, up to and including December 20, 2024. In support of this request, the Commissioner respectfully states as follows:

1. Defendant's response to Plaintiff's Complaint is due to be filed by November 5,

- 1 2024. Defendant has not previously requested an extension of this deadline.
- 2 2. In accordance with the Federal Rules of Civil Procedures, recently amended to add
- 3 Supplemental Rules for Social Security review cases under 42 U.S.C. § 405(g), the
- 4 Commissioner files a certified administrative record (CAR) as the Answer to a
- 5 Complaint for review.
- 6
- 7 3. Counsel for the Commissioner has been informed by the client agency, which is the
- 8 Social Security Administration, Office of Appellate Operations, that the CAR is not
- 9 fully prepared in this matter. The client agency therefore needs more time to prepare
- 10 the CAR for the Court's review.
- 11
- 12 4. For this reason, Defendant requests an extension to December 20, 2024 (45 days), to
- 13 file an Answer or other response in this matter.
- 14
- 15 5. Counsel for the Commissioner has consulted with Plaintiff's counsel who advised that
- 16 he has no objection to this extension request.
- 17 6. This request is made in good faith and is not intended to delay the proceedings in this
- 18 matter.
- 19 7. I am attempting to preserve limited judicial resources and have applied the most rapid
- 20 response under the circumstances.
- 21

22 WHEREFORE, Defendant requests until December 20, 2024, to respond to Plaintiff's

23 Complaint.

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Respectfully submitted,

DATE: October 28, 2024

Law Offices of Francesco

/s/ Francesco Paulo Benavides*

FRANCESCO PAULO BENAVIDES

Attorney for Plaintiff

(*as authorized via email on October 25, 2024)

PHILLIP A. TALBERT

United States Attorney

MATHEW W. PILE

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Social Security Administration

DATE: October 28, 2024

By s/ Justin L. Martin

JUSTIN L. MARTIN

Special Assistant United States Attorney

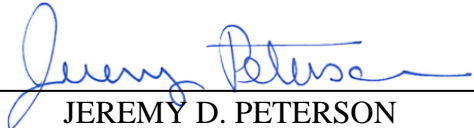
Attorneys for Defendant

ORDER

Pursuant to stipulation, it is so ordered.

IT IS SO ORDERED.

Dated: October 28, 2024


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE